

No. 9/5/84-6 Lab/8802.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Belmont Rubber Industries, 58-B, Industrial Area, Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 424/1983

between

SHRI RAM BADAN WORKMAN AND THE MANAGEMENT OF M/S BELMONT RUBBER
INDUSTRIES, 58-B, INDUSTRIAL AREA, FARIDABAD

Present :—

Shri Manohar Lal for the workman.

Shri R. C. Sharma for the Management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ram Badan workman and the management of M/s Belmont Rubber Industries, 58-B, Industrial Area, Faridabad, to this Tribunal for adjudication :—

whether the termination of services of Shri Ram Badan was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. In the claim statement, dated 21st August, 1984, it was alleged by the claimant that the claimant had been working with the respondent as Operator since 1976 and that his last drawn pay was Rs. 310 per month. It was further pleaded that the management was irregular in payment of wages and practised unfair labour practice. It was further alleged that an opportunity was afforded to the workman to place his case effectively and that the order of dismissal of the claimant was against the principles of natural justice and, as such, the claimant was entitled to reinstatement with full back wages.

3. The management in its written statement dated 10th October, 1984 pleaded that the workers Union gave a notice of strike on 23rd September, 1981 on flimsy grounds, when the management informed the workers that their strike would be illegal. It was further pleaded that the strike started with effect from 15th October, 1981, when negotiations were going on before the Conciliation Officer and that during the course of strike, the claimant and other workers resorted to physical force and coercion and committed several acts of misconduct. It was then alleged that the claimant was charged-sheeted and that Enquiry Officer was appointed, who conducted the enquiry proceedings, but during the enquiry, the claimant refused to participate in the proceedings and that on receipt of the report of the Enquiry Officer, the management issued a second show cause notice. It was further pleaded that after taking into consideration the reply of the claimant and other circumstances, he was dismissed, which order was quite legal.

3. The claimant in his rejoinder, dated 5th November, 1984 reiterated the pleas taken in the claim statement.

4. On the pleading of the parties, the following issues were framed on 5th November, 1984 :—

(1) whether the enquiry is fair and proper ? OPM

(2) whether the termination of service of Shri Ram Badan was justified and in order ? If not, to what relief is he entitled to ? OPM

6. It may be mentioned that the management examined one witness and documents Exhibit M-1 to M-26 have been tendered into evidence. The claimant appeared in the witness-box and documents Exhibit W-1 to W-10 have been tendered into evidence. After going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under :—

Issue No. 1 :

7. The management has examined MW-1 Shri Devinder Singh Advocate, who stated that he was appointed as Enquiry Officer,—vide letter Exhibit M-1 to enquire into charges mentioned in the charge-sheet

Exhibit M-2. He further stated that the claimant took part in the enquiry proceedings and was represented by Shri R.D. Yadav and that the document Exhibit M-3, contained the Enquiry Proceedings. He further stated that one witness of the management was examined in the presence of the claimant and his representative and that the claimant had cross-examined him, but when the evidence of the second witness was going to be recorded on 8th January, 1983, the claimant left the place of enquiry and as such *ex-parte* enquiry was held against him. He further stated that he submitted his enquiry report Exhibit M-4 to the management and that the documents Exhibit M-5 to M-21 were produced during the enquiry. He also stated that the statements of the witnesses were recorded by him correctly. Documents Exhibit M-22 to M-26 were tendered into evidence by the management.

8. Shri Ram Badan claimant WW-1 stated that he was employed on 25th May, 1975 in the respondent factory as Machine Operator and drawing Rs. 310 per month as wages, but his services were terminated on 25th November, 1981. He further stated that he was not being supplied E.S.I. Card, Leave Slip, etc. and that the minimum wages were not being paid to the workers, due to which they formed a Union and that a settlement took place between the management and the Union copy Exhibit W-2, which was not implemented. He further stated that the management started obtaining signatures on blank papers and that he being General Secretary of the Union, complained to the management as well as Conciliation Officer,—*vide* complaints Exhibit W-3 to W-6. He then stated that the strike notice was given to management, copy Exhibit W-7 and that strike was started on 15th October, 1981 and continued for 1½ months upto 25th November, 1981. He then stated that the management resorted to lock out and recruited new workers, when the complaint Exhibit W-8 was made by them. He further stated that the charge-sheet was not served on him, but a paper was given to him. When he gave his reply copy Exhibit W-9, he further stated that he attended the enquiry and filed objections, copy Exhibit W-10, and requested for the charge of the Enquiry Officer and supply of copies of documents, but no facility was given to him. He then stated that on 8th January 1983, he was told that his evidence would be recorded on the next date, but thereafter no date was given.

9. Exhibit M-2 is the chargesheet-given to the claimant, in which the following charges were framed against him :—

- (1) that with the consent of the claimant, the Union gave a strike notice, dated 23rd September, 1981 to the management demanding that two suspended workers and 12 other workers whose cases were being tried in Courts be taken back on duty when the management informed the claimant that strike would be illegal yet the strike took place with effect from 15th October, 1981.
- (2) that the claimant remained on strike though the same was declared illegal by the Labour Department.
- (3) that the claimant instigated the other co-workers to go on illegal strike and delivered lectures at the factory gate on 15th October, 1981 from 9:00 p. m. to 11:00 p. m. due to which 40 workers went on strike.
- (4) that on this night of 15th October, 1981, the claimant also created a lot of disturbance and threatened the workers who did not join the strike and told them that they would be dealt when they come out of the factory and that their legs and hands would be broken.
- (5) that on 16th October, 1981 and 17th October, 1981, the claimant created blockade so that the workers could not enter into or go out of the factory.
- (6) that the claimant along with other workers stoned car DHC-2995, which was parked near the factory gate and broke the glasses, wiper and made the dent near the right door of the car causing damage to the property.
- (7) that during the strike period, dirty and abusive slogans were shouted by the claimants.

The enquiry proceedings Exhibit M-3 show that on 20th November, 1981, the claimant was represented by his representative Shri R.D. Yadav, when the management examined Shri S. S. Gulati, Managing Partner of the factory, and he was cross-examined by the claimant and his representative. On 8th January, 1983, the claimant was present, but he left the place of enquiry, when *ex-parte* enquiry was held and the Management examined Shri Rama Shankar, Shri Ram Parshad, Shri Mahinder Luthra and Shri Jagdish Parshad. The Enquiry report Exhibit M-4 was submitted by the Enquiry Officer, who found that all the charges stood proved against the claimant and thereafter second show cause notice Exhibit M-22 was given to the claimant. After considering his reply Exhibit M-24, the claimant was dismissed on 17th February,—*vide* letter Exhibit M-25. The Enquiry Officer has based his findings on the testimony of 5 witnesses examined by the management, out of whom one was examined in the presence of the claimant and his representative. These witnesses corroborated the version of Shri S. S. Gulati, Factory managing Partner. The report of the Enquiry Officer is based on the testimony of 5 witnesses produced by the management and as such no interference with the said report is called for.

10. It was argued that the claimant was not given full opportunity. The argument is without any force because the claimant and his representative participated in the enquiry on 20th November, 1982, and later on the claimant appeared before the Enquiry Officer on 8th January, 1983 but left the place of enquiry. Consequently, the claimant himself did not participate in the enquiry proceedings with effect from 8th January, 1983.

11. It was then argued that the request to change the Enquiry Officer was not acceded to. The Enquiry Officer was an Advocate and as such was an independent person. Consequently, the argument has no force.

12. It was then argued that the suspension allowance was not paid to the claimant during the enquiry. In the enquiry report, Exhibit M-4, it is mentioned that the management had presented the copy of the order passed by the payment of Wages Authority according to which all the amount was sent by the management to the Authority on 28th December, 1982. The argument is without any force.

13. In view of the above discussion, it is held that the enquiry was fair and proper. The issue is decided accordingly in favour of the management.

Issue No. 2 :

14. It was argued by the representative of the claimant that the punishment awarded to the claimant was disproportionate to the charges proved against him. It was also argued that the joint enquiry was held against Shri Tilak Dhari as well as the claimant and that during the pendency of this case, the management had settled the dispute with Shri Tilak Dhari and gave him Rs. 1,400 in full and final settlement of the claim. It was argued on behalf of the management that the punishment awarded to the claimant was proportionate to the charges proved against him. The charges against Shri Tilak Dhari and the claimant were the same because the cases of both these workers were consolidated on 5th November, 1984, but later on the case of Shri Tilak Dhari was decided on account of settlement between the parties on 11th February, 1985. Under these circumstances, there should be no discrimination between the two workmen from the side of the management. Consequently, the impugned order of dismissal is set aside, at the same time, the claimant does not deserve reinstatement in view of the charges proved against him and the ends of justice would be met if the claimant is granted lump-sum compensation amounting to Rs. 1,400 like Shri Tilak Dhari in lieu of reinstatement etc. The award is passed accordingly.

R. N. BATRA,

Dated : The 3rd October, 1985.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 787, dated 3rd October, 1985.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6 Lab./8890.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act. No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Director, Khadi and Village Industries Commission Perry Hotel, P.O. No. 34, Ambala Cantt:—

BEFORE SHRI R.N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 168 of 1984

Between

THE MANAGEMENT OF DIRECTOR, KHADI AND VILLAGE INDUSTRIES COMMISSION,
PERRI HOTEL, P.O. NO. 34, AMBALA CANTT. AND ITS WORKMAN

Present:—

Shri Rajeshwar Nath for the workman.
Shri K.K. Dewan for the Management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of Director, Khadi and Village Industries Commission, Perri Hotel, P.O. No. 34, Ambala Cantt., and its Workmen to this Tribunal for adjudication :—

“Whether Shri Om Parkash Sahni acting U.D.C. is entitled to promotion on the post of U.D.C. since 1st April, 1970 ? If so, with what details ?”

2. Notices were issued to both the parties. The claimant in his claim statement dated 26th July, 1983, alleged that he was previously posted as acting U.D.C. in the office of Khadi and Village Industries Commission, Ambala Cantt. It was further alleged that according to Standing Order No. 788 dated 14th August, 1969, for U.D.C. posts the roster register had to be maintained soon after 14th August, 1969, but the same was maintained in the year 1973 at Ambala Cantt. and that the policy of the commission in regard to filling up of the posts was mentioned in the said standing orders. It was alleged that 6/7 vacancies of U.D.C. existed in 1966, which according to the Standing Orders were to be filled in alternatively by promotion and open competition, but the same were not filled in accordingly and that four vacancies were filled by promotion in 1970 and then two were filled in by selection in 1973 and again one vacancy was filled in by selection on 23rd October, 1973. It was also alleged that if the correct method had been adopted, the name of the claimant would have been at serial No. 2 in the seniority list in the Zone as L.D.C. It was alleged that Shri K.L. Dhawan ought to have been promoted against the clear vacancy, while promotion of Shri O.P. Sehgal was made by promotion though the post had to be filled in by selection. It was also alleged that the transfer of Shri S.K. Malhotra was illegal. It was further alleged that the claimant was the senior most L.D.C., but he was promoted as U.D.C. on 26th November, 1973 while Shri K.L. Dhawan on 23rd October, 1973. It was further alleged that the claimant being Secretary of the Khadi Commission Karamchari Union, Ambala Cantt., was discriminated.

3. The management in their written statement dated 3rd October, 1984 pleaded that the claim petition was not maintainable as the Industrial Tribunal had no jurisdiction to adjudicate upon the matter. It was further pleaded that the claim petition was barred by time and that the same was bad for non-joinder of necessary parties. It was then pleaded that the vacancies were filled in as per provisions of the Standing Order No. 788. It was pleaded that the claimant was given promotion in 1970, which he declined and as per rules, he was debarred for one year and that the claimant was again promoted in 1973, but he again declined promotion and as such he could not get the benefit of his own conduct. It was pleaded that the selection post was rightly given to Shri K.L. Dhawan as per roster maintained in compliance with the provisions of Standing Order No. 788 and further that promotion was given to Shri O.P. Sehgal as per provisions of the standing order and further that the Director had power to effect the transfer of the staff. It was denied that the claimant was being discriminated in an illegal manner.

4. The claimant in his rejoinder filed on 8th October, 1984 reiterated the pleas taken in the claim statement.

5. On the pleadings of the parties, the following issues were framed on 8th October, 1984 :—

- (1) Whether the claim petition is not maintainable as pleaded ? OPM
- (2) Whether Tribunal has no jurisdiction to decide the present dispute ? OPM
- (3) Whether the claim petition is barred by time ? OPM
- (4) Whether the present application is bad for non-joinder of necessary parties ? OPM
- (5) Whether Shri Om Parkash Sahni acting U.D.C. is entitled to promotion on the post of U.D.C. since 1st April, 1970? If so with what details ? OPW

6. It may be mentioned that the claimant himself appeared in the witness box and documents Ex W-1 to W-3 have been tendered into evidence. The claimant appeared in the witness box and documents Ex W-1 to W-10 have been tendered into evidence. After going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under :—

7. *Issue No. 1*.—The claim petition has been filed by the claimant describing himself as Secretary of Khadi Commission Karamchari Union Ambala Cantt. The dispute raised by the claimant in the claim statement is triable by the Industrial Tribunal under the provisions of the Industrial Disputes Act, 1947. Consequently, the claim petition is maintainable. The issue is decided accordingly against the management in favour of the claimant.

8. *Issue No. 2*.—The Industrial Tribunal has jurisdiction to decide the present dispute under the provisions of the Industrial Disputes Act, 1947. The issue is decided accordingly against the management and in favour of the claimant

9. *Issue No. 3*.—There is no limitation for making the present reference and as such the claim petition is not barred by time. The issue is decided accordingly against the management and in favour of the claimant

10. *Issue No. 4.*—There is no evidence on this issue and as such there is no evidence to hold that the present application is bad for non-joinder of necessary party. The issue is decided accordingly against the Management.

11. *Issue No. 5.*—The claimant Shri O n Kumar Sahani stated that he was appointed as L.D.C in the Respondent Commission on 1st June, 1961 and became entitled to promotion as U.D.C. in 1970 and that his claim was based on the document, Ex. W-1. He further stated that the promotions were not made in accordance with the instructions contained in the letter Ex. W-1. He further stated that Ex. W-2 was the seniority list, in which it was mentioned that the roster had been prepared in the year 1973, whereas it should have been prepared in the year 1969. He further stated that Shri S.K. Malhotra was promoted in excess of the quota and that the four posts were filled in 1970, while two posts in 1973,—vide letter Ex. W-3. He then stated that Shri S.K. Malhotra was promoted on 24th June, 1970,—vide letter Ex. W-3 and that one post was given to Shri K.L. Dhawan on 28th February, 1973, who was junior to him and that Ex. W-4 was the copy of the letter in that respect. He also stated that the promotion of the claimant as U.D.C. was due on 1st April, 1970, but he had been promoted as acting U.D.C. from 1st June, 1982.

12. The management had examined MW-1 Shri Vishnu Lakshman Rao Khandakar, Superintendent of the Respondent Commission, who stated that the roster of the seniority list existed in 1969. He further stated that no appointment was made during the period August, 1969 to April, 1970 and that Ex. W-3 was the correct copy of the extract of the roster. He then stated that the claimant was offered promotion in 1970,—vide letter Ex. W-2 but declined his promotion,—vide letter Ex. M-1 and was thus debarred for the period of one year,—vide letter Ex. M-3. He also stated that Shri S.K. Malhotra was promoted when the claimant declined the offer of promotion. He further stated that the claimant was again offered promotion in 1973 but he declined the offer once again. He further stated that Shri K.L. Dhawan was selected as U.D.C. and that the selection as well as promotion had been made according to the Standing Order No. 788.

13. A perusal of the above evidence would show that according to roster, the promotions were to be made as mentioned in the letter Ex. W-3. The first vacancy was to be filled in by promotion, second vacancy by selection from Commission employees, third vacancy by promotion, fourth vacancy by open selection, fifth vacancy by promotion, sixth vacancy by selection from the Commission employees and seventh vacancy by promotion and soon. This document shows that four vacancies at serial Nos. 1, 3, 5 and 7 were filled in by promotion in 1970. Shri S.K. Malhotra's name appears at serial No. 7. Shri K.L. Dhawan was promoted by selection from the Commission Employees and his name appears at serial No. 6. The name of Shri O.P. Sehgal appeared at serial No. 11 and he was promoted on 21st May, 1974. The claimant was offered a promotion—vide letter Ex. M-2 dated 23rd April, 1970 as U.D.C. but he declined the offer,—vide letter Ex. M-1 on that very date and he was debarred from promotion for a period of one year with effect from 23rd April, 1970,—vide letter dated 29th July, 1970. Consequently, the claimant declined the promotion and was debarred from promotion upto 22nd April, 1971. As such the four promotions made in the year 1970 at serial No. 1, 3, 5 and 7 including Mr. S. K. Malhotra, were correct because the claimant had declined his promotion and thus stood debarred from promotion upto 22nd April, 1971. The claimant was again offered promotion in 1973, but he declined the same as stated by MW-1 Shri Vishnu Laxman and admitted by the claimant in his cross examination as WW-1. This promotion was offered to the claimant on 26th November, 1973, but he declined the same, due to which he was debarred from promotion for a period of one year upto 25th November, 1974. As such, Mr. O.P. Sehgal was promoted on 21st May, 1974 and his name finds mention at serial No. 11 in the document, Ex. W-3. Seniority list Ex. W-2 circulated on 1st August, 1978, shows that the name of the claimant was mentioned in the list of L.D.C's while the names of Shri K.L. Dhawan, Shri S.K. Malhotra and Shri O.P. Sehgal were mentioned in the list of Upper Division Clerks. Consequently, the claimant was not promoted during the year 1970 and 1973 because he declined his promotion as mentioned above.

14. It was argued that if any post remained vacant for more than six months then prior approval of the Chairman etc. was necessary for filling up that post and since the said approval was not obtained, a fresh roster should have been prepared in 1973. As already stated above four vacancies were filled in by promotion in 1970, as mentioned in the letter Ex. W-3, and remaining vacancies at serial Nos. 2, 4, and 6 were filled up according to roster, by selection from Commission employees, open selection and promotion from Commission Employees respectively in 1973. In the letter Ex. W-1 dated 22nd August, 1969, it is laid down that the vacancies of promotion could be filled at a time and it was not necessary to hold over promotion orders till the orders to direct recruits were issued or the direct recruits joined the services, but the quota reserved for promotion could not be operated unless the vacancies required to be filled up by open recruitment from among the Commission Employees only and by open recruitment were filled up. Consequently, the vacancies have been filled up in accordance with the roster and if any prior approval to fill up any vacancy was required, the same must have been obtained in due course. In any case, the claimant is not affected in any manner because he declined his promotion not only in the year 1970 but also in the year 1973, as already mentioned above, due to which he was debarred from promotion upto 25th November, 1974 and as such all the promotions made prior to this period, as mentioned in the letter Ex. W-3, are binding on him. Under all these circumstances, the claimant is not entitled to promotion on the post of U.D.C. since 1st April, 1970, because he declined the promotion twice and he was thus debarred from promotion upto 25th November, 1974. The award is passed accordingly.

Dated the 7th October, 1985.

R.N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 789, dated the 7th October, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R.N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 8th November, 1985.

No. 9/5/84-Lab./9227.—In pursuance of the provisions of the Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the Workman and the management of M/s (i) State Transport Controller, Haryana Chandigarh (ii) General Manager, Haryana Roadways, Sirsa:—

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 28 of 84.

Between

SHRI DEVENDER KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. STATE TRANSPORT CONTROLLER, HARYANA, CHANDIGARH (II) GENERAL MANAGER, HARYANA ROADWAYS SIRSA.

Workman in person.

Shri V.K. Kohi, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Devender Kumar and the management of M/s. State Transport Controller, Haryana, Chandigarh, (ii) General Manager, Haryana Roadways, Sirsa, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 10879-85 dated 21st March, 1984 :—

Whether the termination of services of Shri Devender Kumar is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he joined with the respondent as a Helper on 1st March, 1981 and was appointed on daily wages and that the respondent barred his entry to the Workshop without any lawful excuse on 1st September, 1983 and in this way terminated his services unlawfully. So, there is a prayer for reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, appointment of the petitioner as alleged is admitted but it is alleged that he was appointed on daily wages and his order of appointment used to be issued every month with break in service. It is further alleged that there was no question of terminating the services of the workman as alleged, because he was not allowed to do work, as no work was available with the respondent.

4. On the pleadings of the parties, the following issue was framed on 27th September, 1984 :—

1. Whether the termination of services of Shri Devender Kumar is justified and in order? If not, to what relief is he entitled?

5. The workman appeared himself as WW-1 and the management examined WM-1 Shri Ram Singh Establishment Assistant, Haryana Roadways, Sirsa.

6. Heard.

7. It is not in dispute that the workman had worked for more than 240 days with the respondent in the last 12 calendar months from the date, his entry was barred to the Workshop by the respondent. The case of the respondent is that the petitioner was appointed on daily wages and since the work load did not permit extension of the employment he was not allowed entry into the Workshop. The contention is mis-leading. The definition of the term "retrenchment" as given in section 2(oo) of the Industrial Disputes Act, 1947 is of the widest amplitude

and embraces termination of all types in what ever, manner the same has been brought about. The tactics of appointing daily wagers on monthly basis with break in service of one day is an unfair labour practice which invites Condemnation from the Court in the strongest words, but the fate of the such employee is fairly protected by the provisions of the Industrial Disputes Act, 1947, which makes no distinction between the daily wager, casual employees or apprentices. Under these circumstances, the order of termination was unlawful and illegal, because the respondent did not give any prior notice or retrenchment compensation to the petitioner before terminating his services. So, the workman is ordered to be reinstated and since the demand notice was raised by him within a month of his termination, the benefit of back wages cannot be denied to him. So, the workman is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Dated 20th September, 1985.

Presiding Officer,
Labour Court, Rohtak.

Endst No. 28-84/1641, dated 11th October, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

The 21st October, 1985

No. 9/5/84-6Lab/8656.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s O. K. Metal Works, Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 256 of 1984

between

SHRI UMA SHANKAR, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S O. K. METAL WORKS, GURGAON

Present :—

Shri Rishi Parkash, for the workman.

Shri S. K. Goswami, for the management.

AWARD

This industrial dispute between the workman Shri Uma Shankar and the respondent-management of M/s O. K. Metal Works, Gurgaon has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/84-84/28302-07, dated 6th August, 1984, under section 10(i) (c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Uma Shankar was justified and in order ? If not, to what relief is he entitled ?

According to the statement of the respondent, the workman has settled his dispute. The workman is not appearing in spite of many letters sent by the representative of the workman. Hence the award is given that the dispute has been fully settled.

R. N. SINGAL,

Dated the 24th September, 1985.

Presiding Officer,
Labour Court, Faridabad.

Endst No. 2883, dated the 30th September, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.